IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 829 of 2005

Between:

Y. Sumathi, W/o. Bala Veeraiah,
Kotha Kandriga, Ramachandrapuram Mandal, Chittoor

District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Chittoor, Chittoor District.
2 The Mandal Revenue Officer, Ramachandrapuram Mandal,

Chittoor District.
3 The Joint Collector, Chittoor, Chittoor District.
4 L. Latha, W/o. Prakash Naidu, Hindu,
of Kotha Kandriga-2, R/o. Kotha Kandriga,

Ramachandrapuram Mandal, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the 1st respondent in suspending the petitioner pending enquiry as fair price shop dealer of Kothakandriga-II Village in Ramachandrapuram Mandal of Chittoor District in his Roc (B) 2777/2004 dated 29-10-2004 without any reason or basis only on the false allegation including any show cause notice and without conducting any enquiry as illegal, unjust, arbitrary and against the principles of natural justice, without enquiry, without application of mind, extraneous and against the statutory provisions and consequently set aside the order passed by the 1st respondent in his Roc. (B) 2777/2004 dated 29-10-2004.

Counsel for the Petitioner:MR.L.J.VEERA REDDY
Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES
Counsel for the respondent NO.4:Mr.V.Jagapathi

The Court at the admission stage made the following :

ORDER:

The authorization of the petitioner as a Fair Price Shop Dealer was suspended by the 1st respondent through his order, dated 29.10.2004. Aggrieved thereby, the petitioner preferred an appeal before the 3rd respondent together with an application for stay. The 3rd respondent granted an order of stay on 04.01.2005. However, he restricted the same for a period of 20 days. The grievance of the petitioner is that an order of stay granted under Clause 20(2) of the A.P. State Public Distribution System Control Order, 2001(for short 'the Order') can be, pending the disposal of the appeal, and not for a limited period.

Heard learned counsel for the petitioner, the learned Government Pleader for Civil Supplies and Sri V.Jagapathi for respondent No.4.

The petitioner availed the remedy of appeal under Clause 20 of the Order before the 3rd respondent. Sub-Clause (2) thereof empowers the appellate authority to grant interim order of stay, pending disposal of the appeal. It was in this context that the 3rd respondent passed an order, dated 04.01.2005. However, he restricted the period of stay to 20 days. The significance of these 20 days is not indicated in the order. Once the 3rd respondent has chosen to grant stay, it has to be continued, until further orders or till the disposal of the appeal.

Hence, the writ petition is disposed of, directing that the stay granted by the 3rd respondent through order, dated 04.01.2005, shall remain in force, till the disposal of the appeal, and the petitioner shall be entitled to function as dealer. In the meanwhile, the 3rd respondent shall endeavour to dispose of the appeal, as early as possible, after giving an opportunity of being heard the parties. There shall be no order as to costs.

04.02.2005

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To

1 The Revenue Divisional Officer, Chittoor, Chittoor District.
2 The Mandal Revenue Officer, Ramachandrapuram Mandal,

Chittoor District.
3 The Joint Collector, Chittoor, Chittoor District.
4 2 CCs to the G.P. for Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

5 2 CD copies.